



COMPTROLLER GENERAL OF THE UNITED STATES
WASHINGTON, D.C. 20548

June 24, 1980

B-196254

The Honorable Clifford L. Alexander, Jr.
The Secretary of the Army

Dear Mr. Secretary:

Enclosed is a copy of our decision of today sustaining the protest of Logistic Systems Incorporated against the award of a contract under solicitation No. DAAK11-79-Q-0095 issued by your agency for the decontamination and cleanup of Frankford Arsenal.

As you will note we are not recommending a reopening of negotiations because substantial performance has been accomplished under the awarded contract and because substantial costs would be involved in any partial termination of it. However, we believe that certain informational inadequacies in the protester's proposal should have been pointed out to the protester during the discussion process. Defense Acquisition Regulation § 3-805.3 does not sanction the failure to point out informational inadequacies which prevent the contracting agency from ascertaining exactly what an offeror in the competitive range is proposing to furnish. This is especially true here given the closeness of the revised numerical ranking of the offerors and the potential 2.1 million dollar cost saving theoretically available under any award to the protester.

In order to avoid a recurrence of the foregoing situation, we request that action be taken to insure that procuring activities within your agency understand that there must be adequate discussions with an offeror placed in the competitive range.

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[Protest Against Contract
Award]

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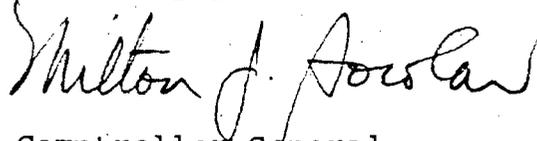
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DGC

Please advise of the action taken in response to our request.

Sincerely yours,

A handwritten signature in cursive script that reads "Milton J. Rowland". The signature is written in dark ink and is positioned above the typed name.

Acting Comptroller General
of the United States

Enclosure